

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.6.2215 pertaining to exotic) PROPOSED AMENDMENT
species classification)

TO: All Concerned Persons

1. On September 27, 2016, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Headquarters, 1420 East 6th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than September 16, 2016, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

12.6.2215 LIST OF PROHIBITED SPECIES (1) through (3) remain the same.

(4) The following mammals are classified as prohibited species:

(a) through (c) remain the same.

~~(d) Nutria – *Myocastor coypus*;~~

(d) Callitrichidae Family (Marmosets and Tamarins);

(e) through (i) remain the same.

(j) Nutria – *Myocastor coypus*;

(j) through (o) remain the same but are renumbered (k) through (p).

(5) through (7) remain the same.

AUTH: 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-707, 87-5-708, 87-5-711, 87-5-712, MCA

REASON: The commission has authority to adopt rules regarding the importation, possession, and sale of exotic wildlife as recommended by the classification review committee (committee). The committee may recommend that a species be classified as noncontrolled, controlled, or prohibited for importation, possession, and sale to protect Montana's native wildlife and plant species, livestock, horticultural, forestry, agricultural production, and human health and safety from the harmful effects of unregulated exotic animals. If the commission approves the committee's

recommendations, the commission begins administrative rulemaking to incorporate the recommendations into the classification lists.

The commission is proposing adding the Callitrichidae Family which includes Marmosets and Tamarins to the list of prohibited species. Callitrichids generally have a nervous disposition and their behavior can become unpredictable and aggressive after sexual maturity. This can pose a serious health risk as these primates can inflict deep, injurious bites and transmit common bacterial and parasitic pathogens to humans. As with any primates, improper housing, socialization, and environmental enrichment will lead to psychopathologies such as self-inflicted mutilation, coprophagy, and other stereotyped pathologies. These require very specialized handling and housing techniques much beyond those of typical pet store animals.

The change to the species Nutria – *Myocastor coypus* is for the purposes of fixing a clerical error and moving it into the correct alphabetical order.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Department of Fish, Wildlife and Parks, Attn: Beth Giddings, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail fwpxotics@mt.gov, and must be received no later than September 30, 2016.

5. Kaedy Gangstad or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to: Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ William Schenk
William Schenk
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chairman
Fish and Wildlife Commission

Certified to the Secretary of State August 22, 2016.